

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA

NORTHERN DIVISION
RECEIVED

Barry Randall Thomas, #178628 2007 SEP 18 AM 9:44

PLAINTIFF DEBRA P. HACKETT, CL
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

Civil Action Number:

v.

2:07-CV-630-MEF

Dr. Darbouze, ET AL

Defendants

NOTICE OF Motion; Second Motion For EXTENSION OF TIME

To Defendants AND Their ATTORNEYS OF RECORD:

You are hereby notified that as of the day and time determined by the court filing, the plaintiff brings a record motion for extension of time based on all papers filed and records in this action.

SECOND Motion REQUESTING EXTENSION OF TIME

TO (1) OBJECT TO RECOMMENDATIONS AND (2) RESPOND TO
DEFENDANTS' ANSWER.

Plaintiff respectfully requests an extension on both matters above on or before November 15, 2007.

This motion is based on the grounds that:

1. Plaintiff requires a copy of his complaint, which he does not have. A copy of complaint was mailed to plaintiff on or about Aug. 16, 2007, At E.C.F. However, plaintiff has been denied receipt of that mail by officials at E.C.F.

2. Consequently to number one, plaintiff via third party requested to purchase a copy of his complaint from the Court, but received an erroneous fee quote. See exhibits attached.

3. Plaintiff continues to attempt to acquire his copy. Respectfully submitted 9-15-07 Bx:

Barry R. Thomas

Barry R. Thomas

E.C.F., E2-6A

200 Wallace Dr.

Clio, AL 36017-2613

CERTIFICATE OF SERVICE

I, Barry Randall Thomas, hereby certify under penalty of perjury that a true and correct copy of this Notice of Motion For Extension of Time has been provided to the below listed parties, by placing said Motion in a postage-paid envelope and mailing via U.S. Mail this 15 day of September 2007 to:

- (1) William R. Lunsford
Maynard, Cooper, Gale PC
655 Gallatin St.
P.O. Box 18668
Huntsville, AL 35804-8668
- (2) Tara S. Knee
Ala. Dept. of Corrections
PO Box 301501
Montgomery, AL 36130-1501

Barry R. Thomas

Barry Randall Thomas #178628/E2-6A
Easterling Corr. Fac.
200 Wallace Dr.
Clio, AL 36017-2613

See only reverse side
#125625 F2-CA
Easterling, C. Lee, Jr.
200 Wallace Dr.
Oro, AL 36017
August 12, 2007

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Kenny,

Hope you're doing good these days, man. I wanted to call this evening, but the administration's had our phones turned off now for days (Probably because of what's happening at Holman Prison — who knows!).

The condition of my back seems to be slowly improving — I'm able to walk short distances now without much assistance, though I'm still in a great deal of pain. As for the outcome of the motion for emergency injunctive relief I filed along with my "1983" (a prisoner's complaint form), in which I asked a federal district judge in Montgomery to order this callous bunch to send me to an outside facility for an MRI and to see a specialist, he ordered the defendants to show him why he shouldn't grant the motion, giving them till August 8. They asked for an extension of 2 wks, and the judge granted it (☹) — now I'm waiting

Página 10

Buenos días Barry

¿Como está usted? Estoy assuming you will receiving my Carta en la mañana or morning.

Estoy escribiendo on the same paper because Estoy in bed Flat on mi back. Estoy está

muy enfermo over the last dos months.

Mi presión de sangre, blood pressure is out of control, "de hecho", in fact it was 220/120 and climbing. Mi Medico said

I was "dying", seriously the Medicina wasn't working "trabajando". I was really afraid I spent the night in a hospital for the primera vez in mi vida. I've

visited pri-med at least 10 times in the last dos meses. I can't bend down or sit up for any length of time.

My whole body has literally shut down constant head aches, my shoulders & chest ache, my knees are in constant pain,

I'm very dizzy. The only comfort I have is when I'm on my back.

Hoy día También or Today however is a new day I can see the luz at the end of the tunnel. I prayed incessantly last night and concluded that

see only receive date

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till August 22.

Of course DOC Legal has already responded on behalf of Warden Davenport. It's PHS (Prison Health Services) law firm, on behalf of the M.D. and DON, who's asked for the extra time. The judge ordered all medical records pertinent to my complaint with "interpretation," as well as proof that Easterling's health care unit has "exhausted its remedies" to help me. I honestly don't know how PHS can satisfy the latter without fabricating records. This judge has been very demanding with them — I think he wants to help me, Kenny. He even ordered them not to file a "motion for a dismissal" (an always formality) — says if they do, "It will not be considered"!

Kenny, I really appreciate all you did by copying this stuff. I plan to ask another Brother to make any future copies — I don't wish to burden the same brother. But I need you to send a copy of my entire original (keep the penciled original).

Pagina dos

I'm simply going to rest. My wife:
I stay up hasta 2 or 3 every night.
No mas!

→ note also
post mark
date on
envelope

Benny I told James to tell you
that I "already sent" all the copies
back to you as requested. I sent them
in the self addressed envelope you
enclosed in your letter. It was quite
a bit of info in one envelope. I
remember it cost two dollars & change
to send. Darryl said it was
probably too large and they just didn't
give it to you. I'm very sorry
mi amigo. I am positive I sent them
in a large Manilla envelope.

I'm glad you're feeling a little better.
Excuse my writing as I said I'm
lying down.

If I can help you any further
let me know.

Hasta luego
mi hermano
Ken

September 4, 2007

Brother Barry Thomas-178628
Easterling Correctional Facility, E2-6A
200 Wallace Drive
Clio, Alabama 36017

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Dear Brother Thomas,

Thank you for the opportunity to help out. I did my best to comply with the outlined instructions that came with your legal material. However, there was a problem in getting the documents copied from the court dated July 10, 2006. After talking to the clerk of the court, she told me that the brief is 400 pages and would cost \$275.00 to copy and mail! I then specifically requested only the pages dated or filed on July 10th. Once again she gave me the same price statement. Randy, I simply don't have that kind of money at this time. In light of this, I do have a suggestion: "Get Kenny to mail me all of the documents that he has, when the prison mail staff returns them to him. I will make copies from them and break them down in regular mailing envelopes that are acceptable to the mailing requirements of the prison."

correction:
Approximately
40 pgs.

I pray that my inability to comply with your entire request in this matter will not add misery to woe to you in your present condition. Please, if there is anything further that I can do to help, just let me know. I did mail all the other documents in a timely manner. They should arrive at their prescribed destination within the allotted time frame. Another suggestion from me is put my home phone number (334-756-6353) on your list as soon as possible this will help us greatly in getting things done more quickly and efficiently.

In closing, give my greetings to all there, especially those related to us in the faith. My lovely wife sends her love and greetings to all of her Brothers also. Know that I have affection for all of you. In turn, all of you have affection for one another. Please write soon.

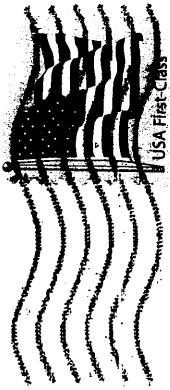
Best regards,

Bro. George

Brother George Gunn

103 MINDY LANE
VALLEY, ALABAMA 36854

For Don
103 Mindy Lane
Valley, Alabama 36854



MONTGOMERY AL 361

10 SEP 2007 PM 1 L

SEP 11 2007

Barry Thomas - 178628
Easterling Construction Facility, E2-6A
200 Wallace Drive
Chico, Alabama 36017

36017+2613